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Balancing Interests in Data: The Legal Constructs of Personal Data Protection and Data Exclusivity

Matthew Robertazzi Mr

Western University, mroberta@uwo.ca

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Inspiring Minds Submission –
Balancing Interests in Data: The Legal Constructs of Personal Data Protection and Data
Exclusivity

As described in my work, the two different Canadian Covid-19 contract tracing apps take two different approaches to data and the legal consequences differ: personal data protection law specifically gives Canadian organizations responsibilities with respect to collection, use, and disclosure of individuals' personal information but does not apply to non-personal data. Technological advances can blur distinctions between identifiable and de-identified personal data. The law creating "data exclusivity" gives pharmaceutical companies a legal monopoly for a period of years over clinical trial data they provide to the federal government to establish the health and safety of drugs (and thus be allowed to distribute the drugs in Canada). Data exclusivity traditionally only protected de-identified data but now companies are legally required to keep identities of participants available in clinical trial contexts. I explore whether personal data protection and data exclusivity are coming to overlap amidst the shifting legal parameters involving health data. (150 words)

